

**RECEIVED
CENTRAL FAX CENTER**

JAN 17 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Boudouris et al
Application No.:	09/990109
Filed:	November 21, 2001
For:	Magnetic Substrates, Composition and Method for Making the Same
Group Art Unit:	1733

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: M112.2-10064-US01

DECLARATION UNDER 37 C.F.R. §1.132

I, Scott Morling, attest and say as follows:

1. I have been employed by MeadWestvaco Corporation-Papers Group, Dayton, OH, and currently hold the position of Director of Magnetic Papers. I have been the Director of Magnetic Papers since January, 2003. I have been employed by MeadWestvaco since January, 1999. I graduated from Northwestern University in 1989 with a B.S. in Electrical Engineering. I received an M.S. in Electrical Engineering from the University of Illinois in 1990 and an MBA from Stanford University in 1997.
2. MeadWestvaco Corporation is a highly respected global company with four principal operating business segments including packaging, paper, consumer and office products and specialty chemicals with annual sales of approximately 7½ billion dollars.
3. Based on my experience, I am qualified as skilled in the magnetic papers art.
4. MeadWestvaco Corporation licensed the process described and claimed in US Patent Application Serial No. 09/990,109, January 1, 2003, for a significant initial

payment and ongoing royalties, both paid to MagnetNotes, Inc. for licensing of the process.

5. Further, licensed sales which started approximately one year ago, have tripled in the year between 4th quarter 2003 and 3rd quarter 2004. The table set forth below shows the approximate amount of products produced according to the process and sold by MeadWestvaco. MeadWestvaco Corporation believes that the licensed product is becoming a commercial success, and fully expects sales of products made by the licensed process to continue to grow in the future.

4 th quarter 2003	1 st quarter 2004	2 nd quarter 2004	3 rd quarter 2004
25 tons	56.5 tons	89.5 tons	123.5 tons

6. The process licensed by MeadWestvaco Corporation is covered by the scope of claim 1 of US Patent Application Serial No. 09/990,109, which claim is the following:

Claim 1

A process of forming a magnetic assembly having at least one magnetic layer having dimensions of thickness, width and length, and at least one printable substrate layer having dimensions of thickness, width and length, comprising the steps of:

- a) providing a magnetic hot melt composition at an elevated temperature, said magnetic hot melt composition comprising about 75 wt-% to about 95 wt-% of at least one magnetic material and about 5 wt-% to about 25 wt-% of at least one thermoplastic polymer; and
- b) directly applying said magnetic hot melt composition at an elevated temperature when it is pliable to a printable substrate layer.

8. I am familiar with the process by which MeadWestvaco produces its products. I confirm from personal knowledge that the process licensed and practiced by MeadWestvaco Corporation is encompassed by claim 1 as quoted above. The MeadWestvaco product is produced using a magnetic hot melt composition in which a magnetic material constitutes between 75 wt-% and 95 wt-% of the formulation, and one thermoplastic copolymer constitutes over 5 wt-% of the formulation. The magnetic hot melt composition is applied at an elevated temperature when it is pliable directly to a printable substrate layer.

9. In my opinion, the licensed process offers significant advances over prior technology giving MeadWestvaco Corporation competitive advantages in traditional markets, as well as in markets where magnetic assemblies were not otherwise considered feasible due to economics or processability.

10. One significant benefit of the process described and claimed in U.S. Patent Application Serial No. 09/990,109, unlike other prior art processes, is that it allows magnets to be processed like paper.

All statements made herein of my own knowledge are true; all statements made on the information and belief are believed to be true; and all the foregoing statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application and any registration resulting therefrom.

Date: 12-16-04

Signed: 

Scott Morling
Director, Magnetic Papers
MeadWestvaco Corporation